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10/673,602 09/29/2003 Frederick E. Altrieth III H10312/JDP 2395

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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER

RODRIGUEZ, LENNIN R

ART UNIT	PAPER NUMBER
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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,602

Applicant(s)

ALTRIETH, FREDERICK E.

Examiner

Lennin R. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figure 4 is objected to under 37 CFR 1.83(a) because they fail to show a proper flow of steps as described in the specification. For example, the flow from step 340 to step 345 is not properly stated as in what direction the method should flow, the same happens from step 355 to 360 and 360 to 330. The examiner suggests adding the tip of the arrow in order to make the drawing clear. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- (1) 205, 210, 215 in Fig. 1;
- (2) 560 in Fig. 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- (1) paragraph [0032], lines 2, 4 and 6, "**205**".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because

(1) Fig. 2, the reference number in the "**Source subsystem**" block should be label – **205** --.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

(1) page 1, paragraph [0006], line 1, "printer is a capable" should be – printer is capable --;

(2) page 9, paragraph [0046], line 2, "job list." Should be – job list **(560)** --.

Appropriate correction is required.

Claim Objections

6. Claims 7 and 14 are objected to because of the following informalities:

(1) claim 7, line 1, "**that comprising a**" should be – that **comprises a** – or – comprising a --;

(2) claim 14, line 1, "A **printer** configured" should be – A **printing system** configured – or in line 7, "a printer" should be "**said printer**".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

kp. 8. Claims 1-5^{7, 11-20} are rejected under 35 U.S.C. 102(a) as being anticipated by Hull (US Publication 2002/0101607).

(1) regarding claim 1:

Hull '607 discloses in a printer that produces images on sheets comprising a plurality of input sources coupled to an output destination (32, 33, 34, 39 in Fig. 2), one of the input sources comprising ordered media having a repetitive sequence (paragraph [0045], lines 1-3 and paragraph [0046], lines 1-3, where the user loads groups of ordered pages into the printer), a method of recovering from a jam without preprogramming the order of ordered media set (paragraph [0057], lines 4, where the CPU is capable of performing the jam recovery without the need of preprogramming the order of the media) comprising:

generating a request that identifies the insertion order of selected ordered media (paragraph [0046], lines 3-11, where the user enter the selection of arrangement media, thus identifying the order of the media);

inserting the selected ordered media within an output (paragraph 0056], lines 4-11); and

purging selected ordered media when a jam occurs (paragraph [0057], lines 1-6, where it says "sheets need to be removed" is being interpreted as purging the ordered media when a jam occurs).

(2) regarding claim 2:

Hull '607 further discloses tracking each transport from an input source to the output destination (paragraph [0089], lines 7-10, where the reference suggests that the pages are being tracked during the trajectory from the input to the output of the printer).

(3) regarding claim 3:

Hull '607 further discloses wherein the input sources are coupled to the output destination by a part of a media path (Fig. 2, and paragraph [0072], where it says that the paper jammed should be removed from the paper path clearly states that there is a path between the input and output of the printer), and wherein the method automatically purges selected ordered media when ordered media is within the media path and a jam occurs (paragraph [0057], lines 1-6, where it says "sheets need to be removed" is being interpreted as purging the ordered media when a jam occurs and the fact that the CPU determines the sheets to be removed is a clear indication of the process being automatically performed).

(4) regarding claim 4:

Hull '607 further discloses wherein the act of purging comprises determining if ordered media is within the media path, drawing ordered media sheet from an input source and processing the ordered media to the output destination (Fig. 2, paragraph [0057], lines 1-6, where it says "sheets need to be removed" is being interpreted as

purging the ordered media when a jam occurs and the fact that the CPU determines the sheets to be removed is a clear indication of processing the ordered media to the output destination).

(5) regarding claim 5:

Hull '607 further discloses wherein the method further comprises tracking each sheet that passes through the printer (paragraph [0089], lines 7-10, where the reference suggests that the pages are being tracked during the trajectory from the input to the output of the printer).

(6) regarding claim 7:

Hull '607 further discloses in a printer that comprises a plurality of input sources coupled to an output destination (32, 33, 34, 39 in Fig. 2), one of the input sources comprising an ordered media have a repetitive sequence (paragraph [0045], lines 1-3 and paragraph [0046], lines 1-3, where the user loads groups of ordered pages into the printer), a method of recovering from a jam without determining the sequence of the ordered media (paragraph [0057], lines 4, where the CPU is capable of performing the jam recovery without the need of preprogramming the order of the media) comprising:

receiving a print request that is associated with a sheet list that identifies how ordered media sheet will be processed (paragraph [0046], lines 3-11, where the user enter the selection of arrangement media, thus identifying the order of the media and paragraph [0052], where the user inputs a list of page identifiers to apply the previously entered order media);

inserting selected ordered media within a document according to the sheet list (paragraph 0056], lines 4-11); and

purging selected ordered media automatically by referring to the sheet list when a jam occurs (paragraph [0057], lines 1-6, where it says "sheets need to be removed" is being interpreted as purging the ordered media when a jam occurs).

(7) regarding claim 11:

Hull '607 further discloses an interface that provides interactive graphical assistance to a user when the jam occurs (paragraph [0057], lines 6-16).

(8) regarding claim 12:

Hull '607 further discloses wherein the printer is a multi-user system that supports local and remote interfaces (20 and 24 in Fig. 1).

(9) regarding claim 13:

Hull '607 further discloses local and remote interfaces linked to the printer (20 and 24 in Fig. 1), the local and remote interfaces being configured to capture data to be processed by the printer from peripheral devices (paragraph [0028], where the remote and local interfaces communicate with the printing system).

(10) regarding claim 14:

Hull '607 further discloses a printer configured to process ordered media having a uniform repetitive sequence (paragraph [0045], lines 1-3 and paragraph [0046], lines 1-3, where the user loads groups of ordered pages into the printer) that is further configured to automatically recover from a jam without determining the repetitive

sequence (paragraph [0057], lines 4, where the CPU is capable of performing the jam recovery without the need of preprogramming the order of the media) comprising:

a plurality of source trays (32, 33, 34 in Fig. 2);

ordered media loaded within one or more of the source trays (paragraph 0056], lines 4-11);

an output destination coupled to the plurality of source trays by a path (Fig. 2, and paragraph [0072], where it says that the paper jammed should be removed from the paper path clearly states that there is a path between the input and output of the printer); and

a printer configured to automatically recover from a jam when processing ordered media by selectively transporting selected ordered media from the source trays (paragraph [0056], where the printer is capable of recovering from a jam).

(11) regarding claim 15:

Hull '607 further discloses wherein the ordered media comprises uniform sets of ordered media (paragraph [0056], lines 4-7 where the tabs are being interpreted as the uniform sets of ordered media).

(12) regarding claim 16:

Hull '607 further discloses wherein the printer comprises a marking engine configured to track each draw from the plurality of source trays and each transport to the output destination (paragraph [0089], lines 7-10, where the reference suggests that the pages are being tracked during the trajectory from the input to the output of the printer).

(13) regarding claim 17:

Hull '607 further discloses wherein the printer comprises software that tracks a resumption sheet (paragraph [0089], lines 7-10, where the reference suggests that the pages are being tracked during the trajectory from the input to the output of the printer and where it is inherent that the counter used to keep track is performed in software as is well known in the art).

(14) regarding claim 18:

Hull '607 further discloses wherein the printer is further configured to transport ordered media to a tray at a user's instruction when processing a print request (paragraph [0089], lines 7-10, where the reference suggests that the pages are being tracked during the trajectory from the input to the output of the printer).

(15) regarding claim 19:

Hull '607 further discloses a remote interface coupled to the printer through a network (20 in Fig. 1).

(16) regarding claim 20:

Hull '607 further discloses a local interface directly coupled to the printer (24 in Fig. 1).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hull (US Publication 2002/0101607).

Hull '607 further discloses a jam recovery feature (paragraph [0056]) used in printing systems dealing with ordered media.

Hull '607 discloses all the subject matter as described above except for specifically teach cycling through an insertion order until a proper resumption point is identified.

However, Hull '607 further teaches a cycling method (paragraphs [0081]-[0089]) where it explains the process of cycling through an insertion order (paragraph [0081]) and determining if there is an invalid media exit pattern. Thus, it is implied that a person of ordinary skill in the art would understand and relate this cycle with the process of jam recovery in a way that a proper resumption point is identified.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to cycling through an insertion order until a proper resumption point is identified as taught by Hull '607 in his own system. With this it assures that the proper resumption paper will be chose to resume the printing process.

11. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull (US Publication 2002/0101607) as applied to claims⁷ above in view of Barry et al. (US Patent 5,859,711). *and further*

(1) regarding claim 8:

kp

Hull '607 discloses all the subject matter as described above except wherein the sheet list is generated by the printer when the printer receives the print request.

However, Barry '711 teaches wherein the sheet list is generated by the printer when the printer receives the print request (column 4, lines 50-67 and column 5, lines 1-7, where after the printer receives the print request a task manager inside the printer organizes the pages to be print).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the sheet list is generated by the printer when the printer receives the print request as taught by Barry '711 in the system of Hull '607. This is important in order for the pages to be parsed and determined what printer to sent that particular page (column 4, lines 50-55).

(2) regarding claim 9:

Hull '607 further discloses wherein the print request originates from a remote interface (paragraph [0028], where the remote interface communicate with the printing system, thus implying that it can generate a request to print in the printer).

(3) regarding claim 10:

Hull '607 further discloses wherein the print request originates from a peripheral device communicatively linked to a remote interface (paragraph [0028], where the local interface communicate with the printing system, thus implying that it can generate a request to print in the printer).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Farrell (US Patent 6,049,391) discloses where the print media stock is "Ordered" as in the case of "Precut Tab" for example, additional programming information is necessary in order to insure that the images printed are matched with the correct sheet of stock. This additional programming information, referred to herein as the sequence or modulus number, is required to avoid conflicts and inadvertent operator programming errors, to allow printing system 2 to automatically purge excess sheets, and to enable automatic job recovery in the event of a fault such as a paper jam. Typically, the sequence number is required when either tabbed or ordered stock is selected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lennin R. Rodriguez whose telephone number is (571) 270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lennin Rodriguez
7/23/07



KING Y. POON
~~PRIMARY EXAMINER~~

Supervising Patent